

May 2004

Update: Traffic Benchbook— Revised Edition, Volume 1

CHAPTER 1

Required Procedures for Civil Infractions

Part F—Civil Sanctions and Licensing Sanctions

1.34 Civil Fines

Replace the second bullet in the list on page 1-40 (updated in October 2003) with the following:

- Failure to produce evidence of insurance—not more than \$50.00 plus costs. MCL 257.328.*

*Effective May
1, 2004. 2004
PA 52.

CHAPTER 1

Required Procedures for Civil Infractions

Part F—Civil Sanctions and Licensing Sanctions

1.37 Waiving Civil Fines, Court Costs, and Assessments*

*Section title was amended by October 2003 update.

*Effective May 1, 2004. 2004 PA 52.

Add the following language to the October 2003 update to page 1-43:

- For failing to produce a certificate of insurance—“upon receipt of verification by the court that the person, before the appearance date on the citation, produced valid proof of insurance that was in effect at the time the violation . . . occurred. Insurance obtained subsequent to the time of the violation does not make the person eligible for a waiver under this subsection.” MCL 257.907(16).*

If the court receives verification, before the appearance date on the citation, that the driver possessed valid insurance at the time of the violation, the court *may* waive the fee described under MCL 257.328(3)(c) (a discretionary fee of not more than \$25.00). MCL 257.907(16).

CHAPTER 1

Required Procedures for Civil Infractions

Part F—Civil Sanctions and Licensing Sanctions

1.42 Points

In the October 2003 update to page 1-47, replace the first paragraph and the quote following it with the following:

Effective May 1, 2004, 2004 PA 52 amended MCL 257.732a(1) to include points assessed for violations of section 629c* as well as section 320a. As amended, MCL 257.732a(1) provides:

“An individual, whether licensed or not, who accumulates 7 or more points on his or her driving record pursuant to sections 320a and 629c within a 2-year period for any violation not listed under subsection (2) shall be assessed a \$100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of \$50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more.”

Effective May 1, 2004, 2004 PA 52 also added the following provision to MCL 257.732a:

“(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.”

*MCL 257.629c deals with speeding violations on limited access freeways where the limit is 55 mph or more.

CHAPTER 2

Civil Infractions

2.19 No Proof of Insurance

C. Civil Sanctions

1. Standard civil sanctions for no proof of insurance

At the bottom of page 2-56, replace the language in #1 with the following:

1. Effective May 1, 2004, 2004 PA 52 provides that the civil fine ordered for a violation of MCL 257.328 shall not be more than \$50.00. MCL 257.907(2).

CHAPTER 2

Civil Infractions

2.19 No Proof of Insurance

C. Civil Sanctions

1. Standard civil sanctions for no proof of insurance

Add the following #4 to the list in the October 2003 update to page 2-57:

4. Subject to MCL 257.732a(8), when an abstract is posted that a person has been found guilty or determined responsible for a violation of MCL 257.328, the Secretary of State shall assess a \$200.00 driver responsibility fee each year for two consecutive years. MCL 257.732a(2)(d).*

Note: MCL 257.732a(8)* provides persons who were assessed a driver responsibility fee after October 1, 2003 and before May 1, 2004 an opportunity to avoid the fee if proof of insurance is presented to the court no later than June 30, 2004. That statute also requires a court to rescind an abstract of the offense:

“(8) Not more than 60 days after the effective date of the amendatory act that added this subsection, if an individual who was issued a citation for a violation of section 328(1) for failing to produce a certificate of insurance from October 1, 2003 until the date the amendatory act that added this subsection takes effect presents a certificate of insurance that was in effect at the time the individual was issued the citation to the court that forwarded the abstract, the court shall rescind the abstract. After the court rescinds the abstract as described in this subsection, the court shall notify the secretary of state, which shall refund, waive, or both refund and waive the driver responsibility fee corresponding to the violation, as appropriate.”

*Effective May 1, 2004. 2004 PA 52.

*Effective May 1, 2004. 2004 PA 52.

CHAPTER 2

Civil Infractions

2.19 No Proof of Insurance

C. Civil Sanctions

2. Special civil sanction provisions for no proof of insurance

Insert the following immediately after subheading (C)(2) on page 2-57:

Effective May 1, 2004, 2004 PA 52 added the following provision to MCL 257.328:

“(3) If, before the appearance date on the citation, the person submits proof to the court that the motor vehicle had insurance meeting the requirements of . . . the insurance code . . . at the time the violation . . . occurred, all of the following apply:

“(a) The court shall not assess a fine or costs.

“(b) The court shall not cause an abstract of the court record to be forwarded to the secretary of state.

“(c) The court may assess a fee of not more than \$25.00, which shall be paid to the court funding unit.”

Note: The addition of MCL 257.328(3), above, changed the numbering of former MCL 257.328(3), discussed in the remaining paragraphs of subsection (C)(2), to MCL 257.328(4).

CHAPTER 2

Civil Infractions

2.19 No Proof of Insurance

D. Licensing Sanctions

Replace the list on page 2-57 with the following:

1. No points are entered on a driver's record for a violation of MCL 257.328. MCL 257.328(7).
2. If suspension of the driver's license is ordered by the court, it shall be for a period of 30 days (to begin the date the driver is determined to be responsible for the civil infraction) or until proof of insurance is submitted to the Secretary of State along with a \$25.00 service fee, whichever occurs later. MCL 257.328(4).
3. If, before the appearance date on the citation, the driver submits proof to the court that the motor vehicle was properly insured at the time the citation was issued, "the court shall not submit, and the secretary of state shall discard and not enter on the master driving record, an abstract for a conviction or civil infraction determination" for a violation of MCL 257.328(1). MCL 257.732(15)(f).*

*Effective May
1, 2004. 2004
PA 52.

CHAPTER 3

Misdemeanor Traffic Offenses

Part A—Introduction

*Renumbered
by October
2003 update.

3.8* Points

In the October 2003 update to page 3-6, replace the first paragraph and the quote following it with the following:

*MCL
257.629c deals
with speeding
violations on
limited access
freeways where
the limit is 55
mph or more.

Effective May 1, 2004, 2004 PA 52 amended MCL 257.732a(1) to include points assessed for violations of section 629c* as well as section 320a. As amended, MCL 257.732a(1) provides:

“An individual, whether licensed or not, who accumulates 7 or more points on his or her driving record pursuant to sections 320a and 629c within a 2-year period for any violation not listed under subsection (2) shall be assessed a \$100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of \$50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more.”

Effective May 1, 2004, 2004 PA 52 also added the following provision to MCL 257.732a:

“(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.”

CHAPTER 3

Misdemeanor Traffic Offenses

Part B—Misdemeanors Involving Accidents

3.15* Leaving the Scene of an Accident Resulting in Personal Injury

*Renumbered
by October
2003 update.

D. Licensing Sanctions

Add the following to the text in the October 2003 update to page 3-15:

Effective May 1, 2004, 2004 PA 52 amended MCL 257.732a to provide:

“(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.”

CHAPTER 3

Misdemeanor Traffic Offenses

Part B—Misdemeanors Involving Accidents

*Renumbered
by October
2003 update.

3.16* Leaving the Scene of an Accident Resulting in Vehicle Damage Only

C. Criminal Penalties

Add the following to the text in the October 2003 update to page 3-17:

Effective May 1, 2004, 2004 PA 52 amended MCL 257.732a to provide:

“(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.”

CHAPTER 3

Misdemeanor Traffic Offenses

Part B—Misdemeanors Involving Accidents

3.16* Leaving the Scene of an Accident with an Attended or Unattended Vehicle

*Renumbered
by October
2003 update.

D. Licensing Sanctions

Add the following to the text in the October 2003 update to page 3-15:

Effective May 1, 2004, 2004 PA 52 amended MCL 257.732a to provide:

“(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.”

CHAPTER 3

Misdemeanor Traffic Offenses

Part C—License and Permit Violations

*Renumbered
by October
2003 update.

3.21* Driving With an Invalid License

D. Licensing Sanctions

Add the following to the text in the October 2003 update to page 3-22:

Effective May 1, 2004, 2004 PA 52 amended MCL 257.732a to provide:

“(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.”

CHAPTER 3

Misdemeanor Traffic Offenses

Part D—Title, Plate, Registration, and Insurance Violations

3.32* Producing False Evidence of Motor Vehicle Insurance

*Renumbered by October 2003 update.

D. Licensing Sanctions

Replace the language in the October 2003 update to page 3-37 with the following:

Subject to MCL 257.732a(8), when an abstract is posted that a person has been found guilty or determined responsible for a violation of MCL 257.328, the Secretary of State shall assess a \$200.00 driver responsibility fee each year for two consecutive years. MCL 257.732a(2)(d).*

*Effective May 1, 2004. 2004 PA 52.

Note: MCL 257.732a(8)* provides persons who were assessed a driver responsibility fee after October 1, 2003 and before May 1, 2004 an opportunity to avoid the fee if proof of insurance is presented to the court no later than June 30, 2004. That statute also requires a court to rescind an abstract of the offense:

*Effective May 1, 2004. 2004 PA 52.

“(8) Not more than 60 days after the effective date of the amendatory act that added this subsection, if an individual who was issued a citation for a violation of section 328(1) for failing to produce a certificate of insurance from October 1, 2003 until the date the amendatory act that added this subsection takes effect presents a certificate of insurance that was in effect at the time the individual was issued the citation to the court that forwarded the abstract, the court shall rescind the abstract. After the court rescinds the abstract as described in this subsection, the court shall notify the secretary of state, which shall refund, waive, or both refund and waive the driver responsibility fee corresponding to the violation, as appropriate.”

2004 PA 52* also added the following provision to MCL 257.732a:

*Effective May 1, 2004.

“(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law

of this state, or of a law of another state substantially corresponding to a law of this state.”

CHAPTER 3

Misdemeanor Traffic Offenses

Part E—Other Misdemeanors Found in the Michigan Vehicle Code

3.46* Reckless Driving

D. Licensing Sanctions

Add the following to the text in the October 2003 update to page 3-58:

Effective May 1, 2004, 2004 PA 52 amended MCL 257.732a to provide:

“(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.”

*Renumbered
by October
2003 update.

CHAPTER 4

Off Road Vehicles

Part B—Traffic Offenses in the ORV Act

4.17 Operation of ORVs While Intoxicated or Impaired

B. Operating an ORV While Under the Influence of an Intoxicating Liquor or Controlled Substance

Add the following to the text in the October 2003 update to page 4-26:

Effective May 1, 2004, 2004 PA 52 amended MCL 257.732a to provide:

“(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.”